IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8985 OF 2004

1. Shri Ramesh Tukaram Magdum

and ors. .. Petitioners

Vs

1. Assistant Registrar,

Co-operative Societies,

and ors. .. Respondents

Mr S.S.Patwardhan, for the petitioners.

Mr A.H. Palekar, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 3rd November,2004

PC:

1. Heard the learned counsel for the parties.

2. In this petition, the petitioners are seeking interim stay pending Appeal bearing No.DJRSKDC/Appeal/R.A.No.68/2004 /2001 before respondent no.4. In view of the caveat, respondent no.4, on 7.10.2004, directed the petitioners to serve the caveator and recorded that the stay application cannot be considered. The appeal was fixed for hearing on 14.10.2004. On that date, it was once again adjourned

to 26.10.2004 and now it stands adjourned to 26.11.2004. Respondent no.4 has not passed any order in the application for stay so far. Keeping that in view and considering the overall facts and circumstances of the case, the order dated 27.9.2004 passed by the Assistant registrar will remain stayed till the appeal is heard and disposed of on merits by respondent no.4.

3. Liberty to apply for further protection if the order passed in the Appeal is adverse to the petitioners to enable them to further challenge it in appropriate proceedings. The writ petition is, accordingly, disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)